IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA MISSOULA DIVISION

Clerk US District Court
Nissoulonian Court

JOSEPH PORTER,

CV 17-73-M-DLC-JCL

Plaintiff,

ORDER

VS.

MISSOULA POLICE DEPARTMENT,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered his Order,
Findings and Recommendations on May 31, 2017, recommending dismissal of
Plaintiff Joseph Porter's ("Porter") pleading for lack of jurisdiction. Porter failed
to timely object to the Findings and Recommendations, and so waived his right to
de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for
clear error those findings and recommendations to which no party objects. *See*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313
(9th Cir. 1981); Thomas v. Arn, 474 U.S. 140, 149 (1985). Clear error exists if the
Court is left with a "definite and firm conviction that a mistake has been
committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations
omitted). Because the parties are familiar with the facts of this case, they will not
be repeated here.

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that this matter should be dismissed for lack of jurisdiction. As discussed by Judge Lynch, Porter's pleading fails to alleged any facts which would establish this Court's jurisdiction over his claims, whether under diversity jurisdiction, federal question jurisdiction, or in cases where the United States is a party. See 28 U.S.C. §§ 1332, 1331, 1345, 1346.

Accordingly, there being no clear error in Judge Lynch's Findings and Recommendations, IT IS ORDERED that:

- (1) Judge Lynch's Findings and Recommendations (Doc. 3) are ADOPTED IN FULL; and
 - (2) This action is DISMISSED for lack of jurisdiction.

Dated this 21 st day of June, 2017.

Dana L. Christensen, Chi

United States District Court